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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/566,854	01/31/2006	Dong-Heon Lee	229900803	9956
7590 11/25/2008				
John M Janeway Graybeal Jackson Haley 155- 108th Ave NE Suite 350 Bellevue, WA 98004-5973			EXAMINER SHEDRICK, CHARLES TERRELL	
			ART UNIT 2617	PAPER NUMBER
			MAIL DATE 11/25/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/566,854

Applicant(s)

LEE, DONG-HEON

Examiner

CHARLES SHEDRICK

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 August 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 5- 12 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 5-12 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Independent claims 5 and 9 recite "**wherein the size of said message image is smaller than said avatar message area**" and "**wherein said sound data is synchronized with said single image**". The Examiner is unable to find related subject matter in the original disclosure.

Claims **5-12** are rejected under 35 U.S.C. 103(a) as being unpatentable over Evans et al US Patent Pub. No.: 2003/0172121 in view of Kwon, Korean Patent Abstract 1020010016442 A and further in view of Harris et al. US Patent No.: 5,701,258

Consider **claims 5 and 9**, Evans teaches providing multimedia message between an originator terminal and a receiver terminal, comprising steps of: receiving transmission data including a text message from said originator terminal(e.g., **the sending user's terminal with**

respect to at least paragraph 0022); obtaining, from said transmission data, an originator terminal identifier and an receiver terminal identifier(**i.e., source and destination address associated with the sending and receiving terminals noted in at least paragraph 0022);** obtaining profile information for said receiver terminal by looking up information database using said receiver terminal identifier(**e.g., the device model and compatibility profile can be matched as noted in at least paragraphs 0024,0031 and 0035);** determining whether said receiver terminal has capabilities of receiving (**e.g., the device model and compatibility profile can be matched as noted in at least paragraphs 0024,0031 and 0035,** processing and displaying said multimedia message in a message format with referring to said profile information(**abstract, figures 3a-3c, and paragraph 0005-0008)**(**i.e., the basis of the invention is to provide MM to incompatible terminals**); and providing said multimedia message to said receiver terminal, which comprising: (1) if said receiver terminal is determined to have said capabilities, transmitting said multimedia message to said receiver terminal in a message format(**abstract, figures 3a-3c, and paragraph 0005-0008**); (2) if said receiver terminal is determined to have capability of displaying but lack of capabilities of receiving and processing, placing said multimedia message at a specific location on a mobile communication network(**abstract, figures 3a-3c, and paragraph 0005-0008)**(**i.e., retrieval**), reconstructing said text message to include access information to said specific location, and transmitting said reconstructed text message to said receiver terminal, thus providing said multimedia message to browsing means of said receiver terminal when said browsing means accesses said specific location(**abstract, figures 3a-3c, and paragraph 0005-0008**); and (3) if said receiver terminal is

determined to lack of said capability of displaying, transmitting said text message to said receiver terminal(**abstract, figures 3a-3c, and paragraph 0005-0008**).

However, Evans does not specifically teach receiving selection of more than one avatar images for each subscriber; obtaining avatar image for the originator by looking up information database using said originator terminal identifier; defining a predetermined avatar message area; converting said text message into a message image, wherein the size of said message image is smaller than said avatar message area; obtaining a single image by combining said avatar image and said message image with letting said message image matched into said avatar message area; creating a multimedia message by combining sound data and said single image, wherein said sound data is synchronized with said single image.

However, in Analogous art, Kwon teaches receiving selection of more than one avatar images for each subscriber(**e.g., see purpose and constitution of invention**); obtaining avatar image for the originator by looking up information database using said originator terminal identifier(**i.e., the originator is directly related to the message it self and is therefore used ;see purpose and constitution of invention**); defining a predetermined avatar message area(**i.e., the image generator is predetermined to be the message area**)(**e.g., see purpose and constitution of invention**); converting said text message into a message image(**e.g., see purpose and constitution of invention**), wherein the size of said message image is smaller than said avatar message area(**i.e., see 112 rejection above**); obtaining a single image by combining said avatar image and said message image with letting said message image matched into said avatar message area(**e.g., see purpose and constitution of invention**).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Evans to include Kwon for the purpose of improving multimedia messaging.

However, Evans as modified by Kwon do not specifically teach creating a multimedia message by combining sound data and said single image, wherein said sound data is synchronized with said single image.

In analogous art, Harris et al. teach creating a multimedia message by combining sound data and said single image, wherein said sound data is synchronized with said single image (**col. 3 lines 22-28, col. 6 lines 48-56, and claims 22 and 30**)(see also 112 1st paragraph rejection).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Evans as modified by Kwon to include creating a multimedia message by combining sound data and said single image, wherein said sound data is synchronized with said single image for the purpose of providing an animated display as taught by Kwon

Consider **claims 6 and 10 and as applied to claims 5 and 9**, Evans as modified by Kwon and further modified by Harris et al. teach downloading the avatar image to the receiving terminal unit in response to a request from the receiving terminal unit (**i.e., downloading images**)(**paragraph 0029**).

Consider **claims 7 and 11 and as applied to claims 5 and 9**, Evans teach the claimed invention except further comprising steps of, when said obtained avatar image are plural, obtaining tag information from said transmission data, and selecting a unique avatar image for

said originator from said plural avatar images with referring to said tag information, wherein said sole avatar image is used for said text message.

However, in analogous art Kwon teaches when said obtained avatar image are plural (**i.e., many pictures corresponding to many characters**)(e.g., see **purpose and constitution of invention**), obtaining tag information from said transmission data(**i.e., identifiers corresponding to unique images**)(e.g., see **purpose and constitution of invention**), and selecting a unique avatar image for said originator from said plural avatar images with referring to said tag information **i.e., identifiers corresponding to unique images**)(e.g., see **purpose and constitution of invention**), wherein said sole avatar image is used for said text message **i.e., identifiers corresponding to unique images**)(e.g., see **purpose and constitution of invention**).

Consider **claims 8 and 12 and as applied to claims 7 and 11**, Evans as modified by Kwon and further modified by Harris et al. teach further comprising a step of downloading the avatar image to the receiving terminal unit in response to a request from the receiving terminal unit(**i.e., downloading images**)(**paragraph 0029**).

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHARLES SHEDRICK whose telephone number is (571)272-8621. The examiner can normally be reached on Monday thru Friday 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on (571)-272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Charles Shedrick/
Examiner, Art Unit 2617

/Lester Kincaid/
Supervisory Patent Examiner, Art Unit 2617